



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,036	03/24/2004	Dan Scott Johnson	100201135-1	5669

22879 7590 12/17/2009

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
3404 E. Harmony Road
Mail Stop 35
FORT COLLINS, CO 80528

EXAMINER

PENG, FRED H

ART UNIT	PAPER NUMBER
----------	--------------

2426

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

12/17/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JERRY.SHORMA@HP.COM
ipa.mail@hp.com
laura.m.clark@hp.com

Office Action Summary	Application No. 10/808,036	Applicant(s) JOHNSON, DAN SCOTT	
	Examiner FRED PENG	Art Unit 2426	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-15,17,18,20,21 and 27-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-15,17,18,20,21 and 27-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2426

DETAILED ACTION

1. Claims 1, 3-15, 17-18, 20-21 and 27-33 are pending in this application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 29-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Ellis et al (US 2008/0189742).

As to claim 29, Ellis discloses an audio/video (AV) component networking system (FIG.2a), comprising:

a source component (16);

a presentation device (24); and

a sink component (22) adapted to control presentation of A/V program data received from the source component on the presentation device, the sink component adapted to transmit a command to the source component to control display of an A/V menu data stream on the presentation device (FIG.7; FIG.12; request a program guide and display on the remote device 24), wherein the A/V program data displayed in the menu on the first presentation device is based on a suitability of a format of the desired A/V program data for the presentation device (FIG.14, 1208; Para 118; certain format is established for the remote access device such as program guide information is encapsulated as component object model objects).

Art Unit: 2426

As to claims 30-32, Ellis discloses an audio/video (A/V) component networking system (FIG.2a), comprising:

a source component (16) adapted to transmit a stream of A/V menu data (FIG.7) to the sink component (22) to enable the user to identify, access or control menu functions or parameters of the source component;

a presentation device (24);

and a sink component adapted to control presentation of A/V program data received from the source component on the presentation device (FIG.12), wherein the sink component is adapted to transmit a command to the source component to control display presentation of the A/V menu data stream on the presentation device, and wherein the stream of A/V menu data comprises a continuous or periodic data flow, thereby enabling automatic updating of A/V menu data provided to the user via the sink component (Para 37; Para 120), and wherein the sink component is adapted to filter the A/V program data available from the source component based on a type of the presentation device coupled to the sink component (FIG.15, 1620, 1630; Para 121; program guide information can be visually displayed on a monitor screen or audibly on a speaker from the sink component 22).

As to claims 33, Ellis inherently discloses performing a registration operation to register the presentation device 24 with the sink component 22 when the remote access device 24 requesting for program guide access through the remote access link (FIG.14).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2426

5. Claims 1, 3, 5, 7, 11-13, 17, 22, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams, Jr. (US 6202211) and Accarie et al. (US 2003/0048757) in view of Ellis et al (US 2008/0189742).

As to claim 1, Williams discloses an audio/video (AV) component networking system, comprising (see Williams, fig. 4):

A plurality of source components each including AV program data (see Williams, fig. 3, col. 5, ll. 34-39, receiving from a source component from remote within another network, see col. 6, ll. 7-11, and the cable system (fig. 5) into a number of tuners (see col. 1, ll. 60-64) fig. 4 and 5 shows a stereo, television, cable box as plurality of sources); a first presentation device and a second presentation device (see Williams, fig. 4 and 5, TVs and stereo, col. 5, l. 55-col. 6, l. 65); and a sink component disposed remote from at least one of the plurality of source components, the sink component adapted to display on the first presentation device a menu presenting the AV program data available from each of the plurality of source components, the sink component adapted to control presentation of desired AV program data selected from the menu of AV program data and received from the corresponding source component on the second presentation device (see Williams, fig. 4, STB is a sink distinct from source in the server, adapted to control, see Williams, col. 6, ll. 43-49), the sink component adapted to transmit a command to the source component to control displaying of an AV interface of the source component for display on the presentation device (see Williams, col. 6, ll. 43-54, if cable box is set correctly (controlled by STB) cable converter box output streams to TV via STB control, In fact, the cited reference reads on the claimed limitation, as the channel (an interface providing AV data) from the cable converter box may be selected by user (see Williams Jr., col. 6, ll. 43-54) In fact, "selecting the appropriate mode" (see Williams Jr., col. 6, ll. 43-54) shows enablement to control a menu interface. The channel setting (an inherent menu manipulation) is controlled by the STB, which shows enablement of a user to control a menu interface.

Art Unit: 2426

In fact, Accarie also shows enablement of the user to control a menu interface, Williams Jr. shows the sink remote from the storage system, Accarie notes a sink remote from storage (see Accarie, [442], terminal v. local node v. VTR, represents separate units). Williams teaches control of data, but is unclear on control of menu interface from the source component; Accarie, who discloses a network communication system does teach control of menu interface of the source component for display on the presentation device (see Accarie, [0395-0447], all stored commands (a menu) of a local terminal (a source) is displayed on a screen for user selection (displayed on presentation device, [0447])).

Ellis further discloses a program guide menu presenting an aggregation of the A/V program data available from each of the plurality of source components (Para 34; Para 17; A/V program data from various sources such as television, internet browsing and game applications).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the systems of Williams, Accarie and Ellis to allow the user to access the menu of control functions of various remote source components (see Accarie, [0453]) and allow the user to access important features of the user's in-home program guide from a remote location and set program guide settings for those features (see Ellis Para 10).

Ellis further discloses use of menu on one presentation device, and receiving from corresponding source on second presentation device (FIG.20; Para 15; Para 99; order a pay per view program from one remote device and receiving from corresponding source on another local device or enable a program by a parent from one remote device and children can receive corresponding source from another device).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Williams and Accarie with the system of Ellis so a selection of a program such as pay programs or rated program can be better controlled by the user; Para 100).

Art Unit: 2426

As to claim 13, Williams discloses an audio/video (AV) component networking method, comprising (see Williams, fig. 4 and col. 3, ll. 20-60):

controlling, via a sink component, presentation of desired AV program data selected from the menu and received from a remote source component on a presentation device (see Williams, col. 6, ll. 43-50, STB provides the tuned TV signal to TV in selected mode, it is inherent that desired data would be selected, and subsequently received); and controlling, via a command issued by the sink component to the source component, displaying of an AV interface of the source component for presentation on the presentation device (see Williams, col. 6, ll. 43-54, cable box channel set by IR command (from remote control unit, controlled by STB) cable converter box outputs stream to TV via STB control). Williams teaches control of data, but is unclear on control of menu interface from the source component; Accarie, who discloses a network communication system does teach control of menu interface of the source component for display on the presentation device (see Accarie, [0395-0447], all stored commands (a menu) of a local terminal (a source) is displayed on a screen for user selection (displayed on presentation device, [0447])).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Williams with the system of Accarie to allow the user to access the menu of control functions of a remote source component (see Accarie, [0453]).

The references of Williams and Accarie control of a menu interface, but are unclear on use of menu on one presentation device, and receiving from corresponding source on second presentation device.

In an analogous art, Ellis discloses use of menu on one presentation device, and receiving from corresponding source on second presentation device (FIG.20; Para 15; Para 99; order a pay per view program from one remote device and receiving from corresponding source on another local device or enable a program by a parent from one remote device and children can receive corresponding source from another device).

Art Unit: 2426

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Williams and Accarie with the system of Ellis so a selection of a program such as pay programs or rated program can be better controlled by the user; Para 100).

Similar grounds of rejection for added limitations as in Claim 1.

As to claim 27, Williams disclose an audio/video (AV) component networking method, comprising (see Williams, fig. 4 and col. 3, l1.20-60): receiving, via the sink component, the desired AN program data from a corresponding source component, and (see Williams, col. 6, l1.43-50, STB receives the tuned TV signal to TV in selected mode and transmits it on); presenting the desired AV program data on a second presentation device (see Williams, col. 6, l1.43-54, cable box channel set by IR command (from remote control unit, controlled by STB) cable converter box outputs stream to TV (separate from STB) via STB control); and Williams teaches control of data, but is unclear on control of menu interface from the source component;

Accarie, who discloses a network communication system does teach control of menu interface of the source component for display on the presentation device (see Accarie, [0395-0447], all stored commands (a menu) of a local terminal (a source) is displayed on a screen for user selection (displayed on presentation device, [0447])).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Williams with the system of Accarie to allow the user to access the menu of control functions of a remote source component (see Accarie, [0453]); providing, via the sink component, a real time, automatically updating, menu interface of the source component on the presentation device (see Accarie, [0445], as soon as terminal is selected (real-time), the list (the menu interface) of learned commands are displayed, the learned commands are updates and this is done automatically with terminal selection).

Art Unit: 2426

The references of Williams and Accarie control of a menu interface, but are unclear on use of menu on one presentation device, and receiving from corresponding source on second presentation device.

In an analogous art, Ellis discloses use of menu on one presentation device, and receiving from corresponding source on second presentation device (FIG.20; Para 15; Para 99; order a pay per view program from one remote device and receiving from corresponding source on another local device or enable a program by a parent from one remote device and children can receive corresponding source from another device).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Williams and Accarie with the system of Ellis so a selection of a program such as pay programs or rated program can be better controlled by the user; Para 100).

Similar grounds of rejection for added limitations as in Claim 1.

As to claim 28, Williams, Accarie, Ellis (as combined) disclose the method of claim 27, further comprising:

Receiving an input by the sink component corresponding to a menu interface presented on the first presentation device (see Williams, col. 6, ll.43- 54, cable box channel set by IR command (from remote control unit--input to STB (sink and presentation device)) and Transferring the input to the source component corresponding to the desired AV program data (see Williams, col. 6, ll.43-54, cable converter box (source) outputs stream to TV based on channel selection from STB control, it is inherent that desired data would be input to corresponding source component).

As to claim 22, Williams discloses an audio/video (AV) component networking system, comprising (see Williams, fig. 4, and col. 3, ll. 20-60): Means for controlling, via a sink component, presentation of desired AV program data selected from the menu and received from

Art Unit: 2426

the corresponding source component on a second presentation device (see Williams, col. 6, ll. 43- 54, cable box channel set by IR command (from remote control unit, controlled by STB (a presentation device) cable converter box output streams to TV (another presentation device) via STB control); and Means for controlling, via a command issued by the sink component to the source component, streaming of an AV interface from the source component for presentation on the presentation device (see Williams, col. 6, ll. 43-54, cable box channel set by IR command (from remote control unit, controlled by STB) cable converter box output streams to TV via STB control).

Williams teaches control of data, but does not explicitly teach control of menu interface from the source component; Accarie, who discloses a network communication system does teach control of menu interface of the source component for display on the presentation device (see Accarie, [0395-0447], all stored commands (a menu) of a local terminal (a source) is displayed on a screen for user selection (displayed on presentation device, [0447]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Williams with the system of Accarie to allow the user to access the menu of control functions of a remote source component (see Accarie, [0453]).

The references of Williams and Accarie control of a menu interface, but are unclear on use of menu on one presentation device, and receiving from corresponding source on second presentation device.

In an analogous art, Ellis discloses use of menu on one presentation device, and receiving from corresponding source on second presentation device (FIG.20; Para 15; Para 99; order a pay per view program from one remote device and receiving from corresponding source on another local device or enable a program by a parent from one remote device and children can receive corresponding source from another device).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Williams and Accarie with the system of Ellis so a

Art Unit: 2426

selection of a program such as pay programs or rated program can be better controlled by the user; Para 100).

As to claim 3, Williams, Accarie, Ellis (as combined) disclose the system of claim 1, wherein the sink component is adapted to enable the user to access the AV menu interface associated with the source component corresponding to the desired AV program data (see Accarie, [0395-0447], all stored commands (a menu) of a local terminal (a source) is displayed on a screen for user selection (displayed on presentation device, [0447] is access to the AV menu interface (see Accarie, [0398]), it is inherent that user would be given access to component of desired data).

As to claim 5, Williams, Accarie and Ellis (as combined in claim 1) disclose the system of claim 1, wherein the sink component is adapted to transfer the AV program data via a plurality of different types of communication networks (see Accarie, [0249-252], switching between AV networks of different types (1355/1394) transferring data, the storage means is capable of handling different packet types [0257]).

As to claim 7, Williams, Accarie, Ellis (as combined) disclose the system of claim 1, wherein the plurality of the source components includes a satellite receiver source component, a digital versatile disk (DVD) source component, a compact disc (CD) source component, a computer, and a cable source component (see Williams, fig. 5 and col. 5, ll. 35-45, cable source component).

As to claim 11, Williams, Accarie, Ellis (as combined) disclose the system of claim 1, wherein the sink component is adapted to control a menu function associated with the AV program data (see Williams, col. 6, ll. 43-54, cable box channel set by IR command, a menu

Art Unit: 2426

function associated with the AV program data from cable box (a source) (from remote control unit, controlled by STB) cable converter box output streams to TV via STB control).

As to claim 12, Williams, Accarie, Ellis (as combined) disclose the system of claim 1, wherein the sink component is adapted to access an AV program data library of the source component corresponding to the desired AV program data (see Accarie, [0371], a local node (sink) receives program data (from source) and stores in RAM, if follows that access would be to the desired data).

As to claim 17, Williams, Accarie, Ellis (as combined in claim 13) disclose the system of claim 13, wherein controlling, via a command issued by the sink component, comprises transmitting the command to at least one of the group consisting of a satellite receiver component, a digital versatile disk (DVD) component, a cable component, a computer, and a compact disk (CD) component (see Williams, col. 6, 11.43-54, cable box channel set by IR command (from remote control unit, controlled by STB) cable converter box outputs stream to TV via STB control).

6. Claims 4, 6, 8, 14-15, 18 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams, Jr. (US 6202211) and Accarie et al. (US 2003/0048757) in view of Ellis et al (US 2008/0189742) and further in view of Hunter et al. (US 2002/0056118).

As to claim 4, Williams, Accarie, Ellis (as combined in claim 1) disclose the method of claim 1,

The references of Williams, Accarie and Ellis are unclear on further comprising performing a registration operation to register the source component corresponding to the desired AN program data with the sink component; however, Hunter does teach this (see Hunter, [0163-

Art Unit: 2426

0165], the sink registers the CD or another type of media player for playback, it is inherent that user would be given access to component of desired data).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Williams, Accarie and Ellis with the system of Hunter in order to recognize multiple sources of programming data allowing the end user variety in his entertainment choice (see Hunter, [0164]).

As to claim 6, Williams, Accarie, Ellis (as combined) disclose the system of claim 1, The references of Williams, Accarie and Ellis are unclear on wherein the sink component is adapted to perform a registration operation to register a format of the AV program data available from the plurality of source components; however, Hunter does teach this (see Hunter, [0163-0165], the sink registers the format of a CD or another type of storage media for playback).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Williams, Accarie and Ellis with the system of Hunter in order for program format to be variable from the content sources, making for a more robust entertainment system (see Hunter, [0164]).

As to claim 8, Williams, Accarie, Ellis and Hunter (as combined) disclose the system, The references of Williams, Accarie and Ellis are unclear on wherein the sink component is adapted to perform a registration operation to register the presentation device with the sink component; however, Hunter does teach this (see Hunter, [0142] through communication with the on-screen GUI (of the presentation device) the user station, sink, realizes information about the user preferences for display on the presentation device, hence registers the device).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Williams, Accarie and Ellis with the system of Hunter in order to allow the system to correctly recognize the device data is sent to for display therefore no delay in user interaction with the data occurs (see Hunter, [0142]).

As to claims 14 and 25, they are analyzed similar to claim 4.

As to claim 18, it is analyzed similar to claim 3.

As to claim 15, it is analyzed similar to claim 6.

7. Claims 9, 10, 20, 21 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams, Jr. (US 6202211 B1) in view of Accarie et al. (US 2003/0048757) in view of Ellis et al (US 2008/0189742) in view of Hunter et al. (US 2002/0056118) in view of Williams et al. (US 2004/0019908 -- hereafter known as Chris Williams).

As to claim 9, Williams, Accarie, Ellis (as combined) disclose the system of claim 1, The references of Williams, Accarie and Ellis are unclear on wherein the sink component is adapted to present to the user a filtered aggregated listing of the AV program data available from each of the plurality of source components based on a format of the AV program data available from each of the plurality of source components; however Chris Williams does teach this (see Chris Williams, fig. 5, each source has a different data format, the prior art references read on the claimed limitation, for example, at least, in the following illustrations: There is a presentation device that shows the menu of AV data for the user and also a presentation device that displays the AV data selected for the user to experience (see Williams, fig. 2, col. 4, l1.13-65). There is a presentation device that shows the menu of AV data for the user and also a presentation device that displays the AV data selected for the user to experience (see Ellis]). There is a presentation device that shows a menu of AV data for the user and a presentation device that displays the AV data selected for the user to experience (see Accarie, fig. 10, 11, [406-408], at local node and terminal chosen)).

Art Unit: 2426

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Williams, Accarie, Hunter and Ellis with the system of Chris Williams in order to allow the end user the pleasure of entertainment from several various sources (see Chris Williams, [0026]).

As to claim 10, Williams, Accarie, Ellis (as combined) disclose the system of claim 1, The references of Williams, Accarie and Ellis are unclear on wherein the sink component is adapted to present to the user a filtered aggregated listing of the AV program data available from each of the plurality of source components based on a type of the presentation device; however Chris Williams does teach this (see Chris Williams, fig. 5, the audio data will be reproduced on an audio presenter, speaker system of fig. 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Williams, Accarie, Hunter and Ellis with the system of Chris Williams in order to allow the end user the pleasure of entertainment from several various sources (see Chris Williams, [0026]).

As to claim 20, it is analyzed similar to claim 9. As to claims 21 and 26, they are analyzed similar to claim 10.

Response to Arguments

8. Applicant's arguments filed 09/23/2009 have been fully considered but they are not persuasive.

In reference to Applicant's arguments

(a) In contrast, Ellis does not disclose that that "the A/V program data displayed in the menu on the first presentation device is based on a suitability of a format of the desired A/V program data for the presentation device," as recited by claim 29. More specifically, Ellis is directed to accessing a television content provider through a communications link. Ellis, para. [0033]. An interactive television program guide provides program listings for television programs,

Art Unit: 2426

such as times, channels, titles, etc. and allows selection of particular programs. Id., para. [0034]. However, Ellis only teaches one type of content, video programs, and does not teach or disclose that the menu is filtered by the format of the content to present only that content that may be displayed on a particular presentation device. Further, as discussed below, none of the other references cited by the Examiner teach a menu that is filtered to display only the type of content that can be displayed by a particular device. Thus, independent claims 29 and 30 are allowable over the references cited.

Examiner's response

(a) The Examiner respectfully disagrees. MPEP states an Examiner is given broadest interpretation of the claim in light of the specifications but not read the limitations of the specs into the claim. Therefore, "certain format is established for the remote access device such as program guide information is encapsulated as component object model object... and transmitted to the remote access device" as recited in Para 118 of Ellis reads into the claimed limitations of "the A/V program data displayed in the menu on the first presentation device is based on a suitability of a format of the desired A/V program data for the presentation device". Ellis also discloses a menu that is filtered to display only the type of content that can be displayed by a particular device (FIG.15, 1620, 1630; Para 121; program guide information can be visually displayed on a monitor screen or audibly on a speaker from the sink component 22).

In reference to Applicant's arguments

(b) The Examiner must cite a compelling reason why a person having ordinary skill in the art would combine known elements in order to support a proper rejection under 35 U.S.C. § 103. Id.

Examiner's response

(b) Refer to Examiner's 103 rejection section for the reason to combine known elements in order to support a proper rejection under 35 U.S.C. § 103

In reference to Applicant's arguments

Art Unit: 2426

(c) Thus, none of the cited references, alone or in any hypothetical combinations, discloses a menu presenting an aggregation of the A/V program data available from each of the plurality of source components, as generally recited in claims 1, 13, and 27.

Examiner's response

(c) The Examiner disagrees. Ellis discloses an interactive program guide that provides regular television broadcast programs, pay-per-view programs, internet web browsing and video game, etc; (Para 17; Para 34). Therefore, reads the limitations of "a menu presenting an aggregation of the A/V program data available from each of the plurality of source components".

Conclusion

9. Claims 1, 3-15, 17-18, 20-21 and 27-33 are rejected.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Correspondence Information

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRED PENG whose telephone number is (571)270-1147. The examiner can normally be reached on Monday-Friday 09:30-19:30.

Art Unit: 2426

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hirl can be reached on (571) 272-3685. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fhp

/Joseph P. Hirl/

Supervisory Patent Examiner, Art Unit 2426

December 13, 2009